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IN THE CLAIMS

Cancel claim 2 without prejudice.

Substitute claims 1 and 3-38 as follows for pending claims 1 and 3-38, respectively:

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1. (Amended) A monitoring device for checking for a predefined position of a body or for checking for the presence of a body, comprising a pivotal checking element, a motor for driving the checking element, a housing for accommodating the motor, and a seal which is arranged between the checking element and the housing around a shaft by means of which the checking element is driven, wherein the seal abuts on the checking element and abuts on the housing.

3. (Amended) A monitoring device in accordance with Claim 1, wherein the seal is formed symmetrically about an axis.

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4. (Amended) A monitoring device in accordance with Claim 1, wherein the seal is seated between the checking element and the housing coaxially relative to the shaft.

5. (Amended) A monitoring device in accordance with Claim 1, wherein an intermediate space is formed between the shaft and the seal.

6. (Amended) A monitoring device in accordance with Claim 1, wherein the seal is adapted to be rotationally fixed relative to the checking element.

7. (Amended) A monitoring device in accordance with Claim 6, wherein the checking element comprises a mounting element for the seal onto which the seal is adapted to be disposed in order to fix the seal non-rotationally on the checking element.

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8.(Amended) A monitoring device in accordance with Claim 7, wherein the mounting element is formed by a mounting ring through which the shaft is guided and onto which the seal is adapted to be disposed.

9.(Amended) A monitoring device in accordance with Claim 8, wherein an annular recess for accommodating the seal is formed between the mounting element and the checking element.

10.(Amended) A monitoring device in accordance with Claim 1, wherein an outer diameter of the seal substantially corresponds to the diameter of the checking element.

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11.(Amended) A monitoring device in accordance with Claim 1, wherein the seal comprises a packing ring disposed on the checking element.

12.(Amended) A monitoring device in accordance with Claim 1, wherein the seal comprises a collar having a V-shaped sealing lip which abuts the housing.

13.(Amended) A monitoring device in accordance with Claim 12, wherein the collar is rotatable with the checking element relative to the housing.

14.(Amended) A monitoring device in accordance with Claim 12, wherein the outer surface of the collar is substantially in the form of a truncated cone at least when force is not being applied thereto in the axial direction.

15.(Amended) A monitoring device in accordance with Claim 14, wherein an imaginary cone peak of the collar points towards the checking element.

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16.(Amended) A monitoring device in accordance with Claim 14, wherein the inner surface of the collar is substantially in the form of a truncated cone at least when force is not being applied thereto in the axial direction.

17.(Amended) A monitoring device in accordance with Claim 12, wherein an axial extent of the seal can be varied by the collar.

18.(Amended) A monitoring device in accordance with Claim 1, wherein a control device is provided by means of which at least one of the pivotal position, the speed, and the torque of the checking element is controllable.

19.(Amended) A monitoring device in accordance with Claim 18, wherein the control device controls the pivotal position, the speed and the torque of the checking element in combination.

20.(Amended) A monitoring device in accordance with Claim 18, wherein the pivotal movement is controllable by the control device in a manner such that a maximum permissible torque will lie below a predefined value for the torque.

21.(Amended) A monitoring device in accordance with Claim 20, wherein the checking element is adapted to be pivoted commencing from a starting position through a transition region into a monitoring region in which the predefined position of the body lies or in which the presence of a body should be monitored, and the predefined value for the maximum permissible torque in the monitoring region is reduced relative to that in the transition region.

22.(Amended) A monitoring device in accordance with Claim 20, wherein the motor is an electric motor and the controlling of the maximum permissible torque is effected by limiting the supply of current to the motor.

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23.(Amended) A monitoring device in accordance with Claim 21, wherein the speed of the checking element is reducible during its transfer from the transition region into the monitoring region.

24.(Amended) A monitoring device in accordance with Claim 23, wherein the reduction of the maximum permissible torque is effected after the reduction in the speed of the checking element.

25.(Amended) A monitoring device in accordance with Claim 21, wherein the transition region comprises an acceleration region in which the speed of the checking element is increased commencing from the starting position.

26.(Amended) A monitoring device in accordance with Claim 21, wherein the transition region comprises a braking region in which the speed of the checking element is reduced.

27.(Amended) A monitoring device in accordance with claim 21, wherein the speed of the checking element in the transition region is maintained substantially constant between an acceleration region and a braking region of the transition region.

28.(Amended) A monitoring device in accordance with claim 21, wherein the speed of the checking element is maintained substantially constant in the monitoring region.

29.(Amended) A monitoring device in accordance with Claim 18, wherein the control device comprises a digital angle transmitter for controlling the pivotal movement of the checking element.

30.(Amended) A monitoring device in accordance with Claim 29, wherein the speed and the torque of the checking element are controlled by the control device by means of time-dependent controlling of the position of the checking element.

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31.(Amended) A monitoring device in accordance with Claim 29, wherein the control device sets the pivotal position of the checking element.

32.(Amended) A monitoring device in accordance with Claim 29, wherein the control device sets the speed of the checking element.

33.(Amended) A monitoring device in accordance with Claim 30, wherein the control device sets the pivotal position and the speed of the checking element.

AB 34.(Amended) A monitoring device in accordance with Claim 21, wherein the control device is adapted to undergo a learning cycle for determining the monitoring region.

35.(Amended) A monitoring device in accordance with claim 34, wherein the monitoring region is set by the control device such that it begins at a certain angular amount prior to the learnt position at which a body is detected in the learning cycle.

36.(Amended) A monitoring device in accordance with Claim 1, wherein stop means are provided for limiting pivotal movement of the checking element.

37.(Amended) A monitoring device in accordance with claim 36, wherein, for the purposes of setting a reference position of the checking element, the checking element is moved at a predefined speed to a stop position in which the stop means touch.

38.(Amended) A monitoring device in accordance with Claim 37, wherein, for the purposes of defining the reference position of the checking element in the stop position, the stop means are rotated against each other at low torque.

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Versions of claims 1 and 3-38 marked up to show changes made thereto follow:

1.(Amended) A monitoring device for checking for a predefined position of a body or for checking for the presence of a body, comprising a pivotal checking element [(52)], a motor [(20)] for driving the checking element [(52) and], a housing [(12)] for accommodating the motor [(20)], [characterized in that] and a seal [(68)] which is arranged between the checking element [(52)] and the housing [(12)] around a shaft [(22)] by means of which the checking element [(52)] is driven, wherein the seal abuts on the checking element and abuts on the housing.

3.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein the seal [(68)] is formed symmetrically about an axis [(24)].

4.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein the seal [(68)] is seated between the checking element [(52)] and the housing [(12)] co-axially relative to the shaft [(22)].

5.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein an intermediate space [(69)] is formed between the shaft [(22)] and the seal [(68)].

6.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein the seal [(68)] is adapted to be rotationally fixed relative to the checking element [(52)].

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7.(Amended) A monitoring device in accordance with Claim 6, [characterised in that] wherein the checking element [(52)] comprises a mounting element [(64)] for the seal [(68)] onto which the [latter] seal is adapted to be [put] disposed in order to fix [it] the seal non-rotationally on the checking element [(52)].

8.(Amended) A monitoring device in accordance with Claim 7, [characterised in that] wherein the mounting element [(64)] is formed by a mounting ring through which the shaft [(22)] is guided and onto which the seal [(68)] is adapted to be [put] disposed.

9.(Amended) A monitoring device in accordance with Claim [7] 8, [characterised in that] wherein an annular recess [(66)] for accommodating the seal [(68)] is formed between the mounting element [(64)] and the checking element [(52)].

10.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein an outer diameter of the seal [(68)] substantially corresponds to the diameter of the checking element [(52)].

11.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein the seal [(68)] comprises a packing ring [(70) for the purposes of putting it onto] disposed on the checking element [(52)].

12.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein the seal [(68)] comprises a collar [(72)] having a V-shaped sealing lip [(74)] which abuts the housing [(12)].

13.(Amended) A monitoring device in accordance with Claim 12, [characterised in that] wherein the collar [(72)] is rotatable with the checking element [(52)] relative to the housing [(12)].

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14.(Amended) A monitoring device in accordance with Claim 12, [characterised in that] wherein the outer surface [(78)] of the collar [(72)] is substantially in the form of a truncated cone at least when force is not being applied thereto in the axial direction.

15.(Amended) A monitoring device in accordance with Claim 14, [characterised in that] wherein an imaginary cone peak of the collar [(72)] points towards the checking element [(52)].

16.(Amended) A monitoring device in accordance with Claim 14, [characterised in that] wherein the inner surface [(80)] of the collar [(72)] is substantially in the form of a truncated cone at least when force is not being applied thereto in the axial direction.

17.(Amended) A monitoring device in accordance with Claim 12, [characterised in that] wherein an axial extent of the seal [(68)] can be varied by the collar [(70)].

18.(Amended) A monitoring device in accordance with Claim 1, [characterized in that] wherein a control device [(50)] is provided by means of which at least one of the pivotal position [and/or], the speed [and/or], and the torque of the checking element [(52)] are] is controllable.

19.(Amended) A monitoring device in accordance with Claim 18, [characterised in that] wherein the control device [(50)] controls the pivotal position, the speed and the torque of the checking element [(52)] in combination.

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20.(Amended) A monitoring device in accordance with Claim 18 [or 19], [characterised in that] wherein the pivotal movement is controllable by the control device [(50)] in a manner such that [the] a maximum permissible torque will lie below a predefined value [(146)] for the torque.

21.(Amended) A monitoring device in accordance with Claim 20, [characterized in that] wherein the checking element [(52)] is adapted to be pivoted commencing from a starting position [(150)] through a transition region [(152)] into a monitoring region [(144)] in which the predefined position of the body lies or in which the presence of a body should be monitored, and the predefined value for the maximum permissible torque [(146)] in the monitoring region [(144)] is reduced relative to that in the transition region [(142)].

22.(Amended) A monitoring device in accordance with Claim 20, [characterised in that] wherein the motor [(20)] is an electric motor and the [limiting] controlling of the maximum permissible torque [(146)] is effected by limiting the supply of current to the motor.

23.(Amended) A monitoring device in accordance with Claim 21, [characterised in that] wherein the speed of the checking element [(52)] is reducible during its transfer from the transition region [(142)] into the monitoring region [(144)].

24.(Amended) A monitoring device in accordance with Claim 23, [characterised in that] wherein the reduction of the [maximum permissible] torque [(146)] is effected after the reduction in the speed of the checking element [(52)].

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25.(Amended) A monitoring device in accordance with Claim 21, [characterised in that] wherein the transition region [(142)] comprises an acceleration region [(152)] in which the speed of the checking element [(52)] is increased commencing from the starting position [(150)].

26.(Amended) A monitoring device in accordance with Claim 21, [characterised in that] wherein the transition region [(142)] comprises a braking region [(156)] in which the speed of the checking element [(52)] is reduced.

27.(Amended) A monitoring device in accordance with claim 21, [characterized in that] wherein the speed of the checking element [(52)] in the transition region [(142)] is maintained substantially constant between an acceleration region [(152)] and a braking region [(156)] of the transition region [(142)].

28.(Amended) A monitoring device in accordance with claim 21, [characterized in that] wherein the speed of the checking element [(52)] is maintained substantially constant in the monitoring region [(144)].

29.(Amended) A monitoring device in accordance with Claim [1] 18, [characterised in that] wherein the control device [(50)] comprises a digital angle transmitter [(38)] for controlling the pivotal movement of the checking element [(52)].

30.(Amended) A monitoring device in accordance with Claim 29, [characterised in that] wherein [the controlling of] the speed and the torque of the checking element [(52) is effected] are controlled by the control device [(50)] by means of [the] time-dependent controlling of the position of the checking element [(52)].

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31.(Amended) A monitoring device in accordance with Claim 29, [characterised in that] wherein the control device [(50)] sets the pivotal position of the checking element [(52)].

32.(Amended) A monitoring device in accordance with Claim 29, [characterised in that] wherein the control device [(50)] sets the speed of the checking element [(52)].

33.(Amended) A monitoring device in accordance with Claim 30, [characterised in that] wherein the control device [(50)] sets the pivotal position and the speed of the checking element [(52)].

34.(Amended) A monitoring device in accordance with Claim 21, [characterised in that] wherein the control device [(50)] is adapted to undergo a learning cycle for determining the monitoring region [(144)].

35.(Amended) A monitoring device in accordance with claim 34, [characterized in that] wherein the monitoring region [(144)] is set by the control device [(50)] such that it begins at a certain angular amount prior to the learnt position at which a body is detected in the learning cycle.

36.(Amended) A monitoring device in accordance with Claim 1, [characterised in that] wherein stop means [(28, 34)] are provided for limiting [the] pivotal movement of the checking element [(52)].

37.(Amended) A monitoring device in accordance with claim 36, [characterised in that], wherein for the purposes of setting a reference position [(150)] of the checking element [(52)], [this] the checking element is moved at a predefined speed [into] to a stop position [(150)] in which [corresponding] the stop means [(28,34)] touch.

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38.(Amended) A monitoring device in accordance with Claim 37, [characterised in that] wherein, for the purposes of defining the reference position [(150)] of the checking element [(52)] in the stop position, [corresponding] the stop means [(28, 34)] are rotated against each other at low torque.

Add new claim 39 as follows:

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39. A monitoring device for checking for a predefined position of a body or for checking for the presence of a body, comprising a pivotal checking element, a motor having a shaft for driving the checking element, a housing for accommodating the motor and having an end face through which the shaft passes, and a seal which is arranged between the checking element and the end face of the housing around said shaft, wherein the seal abuts on the checking element and abuts on the end face of the housing.